

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS**

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IN RE YASMIN AND YAZ  
(DROSPIRENONE) MARKETING, SALES  
PRACTICES AND RELEVANT PRODUCTS  
LIABILITY LITIGATION  
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3:09-md-02100-DRH-PMF

MDL No. 2100

**This Document Relates to:**

**ALL CASES**

**CASE MANAGEMENT ORDER No. 81**

**Gallbladder Lien Resolution - Accord and Satisfaction Payments  
to Private, Non-Governmental Health Care Lien Holders**

This matter is before the Court for case management and follows this Court's CMO No. 74 concerning the activities of the parties and the Lien Resolution Administrator, the Garretson Resolution Group, Inc. It continues to be evident that the payout to individual plaintiffs has been delayed due to the non-responsiveness, and / or non-cooperation of certain private non-governmental health care lienholders and / or their recovery contractors. In light of these continued, unreasonable delays, the Court hereby **ORDERS** the Lien Resolution Administrator to adopt an Accord and Satisfaction payment protocol, to apply to each recovery contractor who represents a private, non-governmental health care lien holder that has submitted claims for reimbursement but has not accepted the Lien Resolution Administrator's offer or counter offer for resolution.

The Court, after considering the reports of the Lien Resolution Administrator, the respective parties, and being so advised, **ORDERS** the Lien Resolution Administrator to issue payments as outlined below to recovery contractors with an accord and satisfaction notation based upon the conclusion that such reimbursement values are equitable given the entirety of the circumstances of this matter, as it relates to the following claimants listed in the attached Exhibit A, with each recovery contractor to receive only such information that would identify a claimant who is also a plan beneficiary / member of the health care plan to protect the rights of other claimants, not plan members to that particular recovery contractor's health care plan.

- Cases with a gross settlement value of \$3,000.00 will result in a private, non-governmental health care lien holder payment of \$100.00 where a Medicare obligation exists and a payment of \$300.00 where no Medicare obligation exists.
- Cases with a gross settlement value of \$2,000.00 will result in a private, non-governmental health care lien holder payment of \$100.00 where a Medicare obligation exists and a payment of \$200.00 where no Medicare obligation exists.

All recovery contractors who receive a copy of this Order are on notice that, if the submitted check is cashed for the claimant identified by lienholder in the attached Exhibit A, the lien obligation shall be considered fully satisfied and any right to further recovery will be waived under the doctrine of accord and satisfaction. Should a recovery contractor refuse to accept the payment, that recovery contractor must file a motion with this Court, explaining the basis for

refusal and specifically detailing the inequity of the proposed payment, and setting the matter for a hearing before the Court.

**SO ORDERED.**

Date: January 26, 2016

*David R. Herndon*



Digitally signed by  
Judge David R. Herndon  
Date: 2016.01.26  
10:29:41 -06'00'

United States District Court Judge